



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,663	10/16/2003	Ronald S. Lane		2662

7590 09/22/2005
Ron Lane
2 Kakiat Lane
Spring Valley, NY 10977

EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,663	Applicant(s) LANE, RONALD S.	
	Examiner Gwendolyn Baxter	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>ATTACHMENT</u> |

Art Unit: 3632

This is the third office action for application serial no. 10/605,663, Bookstand that Folds Thin Enough to serve as a Bookmark filed October 16, 2003.

Specification

In order to reconcile the reference numerals in the specification and drawings, the following suggestions are made to correct different parts with the same reference numerals and/or different numbers for the same part. The following corrections to the specification are required.

The last line of the first page of the substitute specification provided September 17, 2004, which reads "that supports the book has lip 6 that contains two V shaped cutouts 1 and 2 that" should read -that supports the book has lip 2 that contains two V shaped cutouts 10 and 11 that".

The second page of the substitute specification provided September 17, 2004, line 1, "legs 7 and 8. It is clear how cutouts 1 and 2" should be changed to -legs 16 and 17. It is clear how cutouts 10 and 11-; line 4, "legs 2 and 2a" should read -legs 16 and 17-; line 5, "back side surface is 4, lip of the flap fold into the cutout 5" should read -back side surface is 6, lip of the flap fold into the cutout 3-; line 12, "1 shows the front of the bookstand" should read -8 shows the front of the bookstand-; line 13, "2 shows the cutout. . . .book, and 3 shows" should read -5 shows the cutout. . . .book, and 1 shows-; line 17, "1 shows the back of the bookstand, and 2 and 3 show the cutouts" should read -19 shows the back of the bookstand, and 5 and 12 show the cutouts-; line 19, "1 and 3 show the cutouts" should read -5 and 12 show the cutouts-; line 20, "and 2 show the front of the bookstand" should read -and 8 show the front of the bookstand-;

Art. Unit: 3632

line 22, "1 and 2 are the cutouts" should read -3 and 4 are the cutouts-; line 23, "cutouts 7 and 8 shows where flap 9 folds. Cutouts 4 and 5" should read -cutouts 10 and 11 shows where flap 1 folds. Cutouts 5 and 12-; line 24, "6 is the front" should read -8 is the front-; line 25, "the." should read -.; line 27, "1 and 4 are the cutouts in flap 2 and lip 5. The front of stand is 3." should read -3 and 4 are the cutouts in flap 1 and lip 2. The front of stand is 8.-; line 32, "the detail of the hinges 2" should read -the detail of the hinges 9-; and line 33, "3. that permits the folding" should read -14 that permits the folding-.

Drawings

In order to reconcile the reference numerals in the specification and drawings, the following suggestions are made to correct different parts with the same reference numerals and/or different numbers for the same part. See modified copy of the drawing supplied by the examiner.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,739,960 to Adler. The present invention reads on Adler as follows: Adler teaches a book holder comprises a thin material that when the bookstand is in an expanded position (figures 4 and 5) a book is supported at an angle conducive to viewing and folds flat and thin enough to be used as a book mark, figure 9.

Response to Arguments

Applicant's remarks filed January 10, 2005 have been fully considered but they are not persuasive.

Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Remarks

Per applicant request a claim(s) is provided below to assist applicant in defining the uniqueness of the invention.

Art Unit: 3632

A one-piece collapsible stand which is foldable between an erected operative configuration for supporting a book in an inclined position and a collapsed in-operative configuration wherein the stand is a flat thin book mark; the stand comprises a front plate, first and second side legs and a back plate;

- a. said front plat having a front bottom side, front top side, front left side and front right side;
- b. said back plate having a back bottom side, back top side, back left side and back right side;
- c. each of the first and second side legs include a first portion and an adjacent second portion such that the first portion is foldably joined to said second portion by a living hinge there between said first and second portions;
- d. said front left and right sides of said front plate are foldably attached to said first portion of said first and second side legs, respectively; said back left and right sides of said back plate are foldably attached to said second portion of said first and second side legs, respectively;
- e. a top edge of said second portion of said first and second side legs, respectively, include a notch engaging a respective notches of alp that is foldably attached to a flap which is foldably attached to said back top side of said back plate in said erected operative configuration;
- f. a top edge of the first portion of the first portion of said first and second side legs includes a J-shaped cutout, respectively, adapted to receive and retain said book therein in said erected operative configuration; and
- g. in said collapsed inoperative configuration, the book stand is used as said thin bookmark such that said lip is parallel to said flap; said first portion of said first and second legs are parallel

Art Unit: 3632

to said back plate; said second portions of said first and second legs are parallel to said first portions; and said front plate is parallel to said second portions of said first and second legs.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

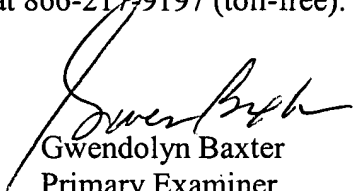
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

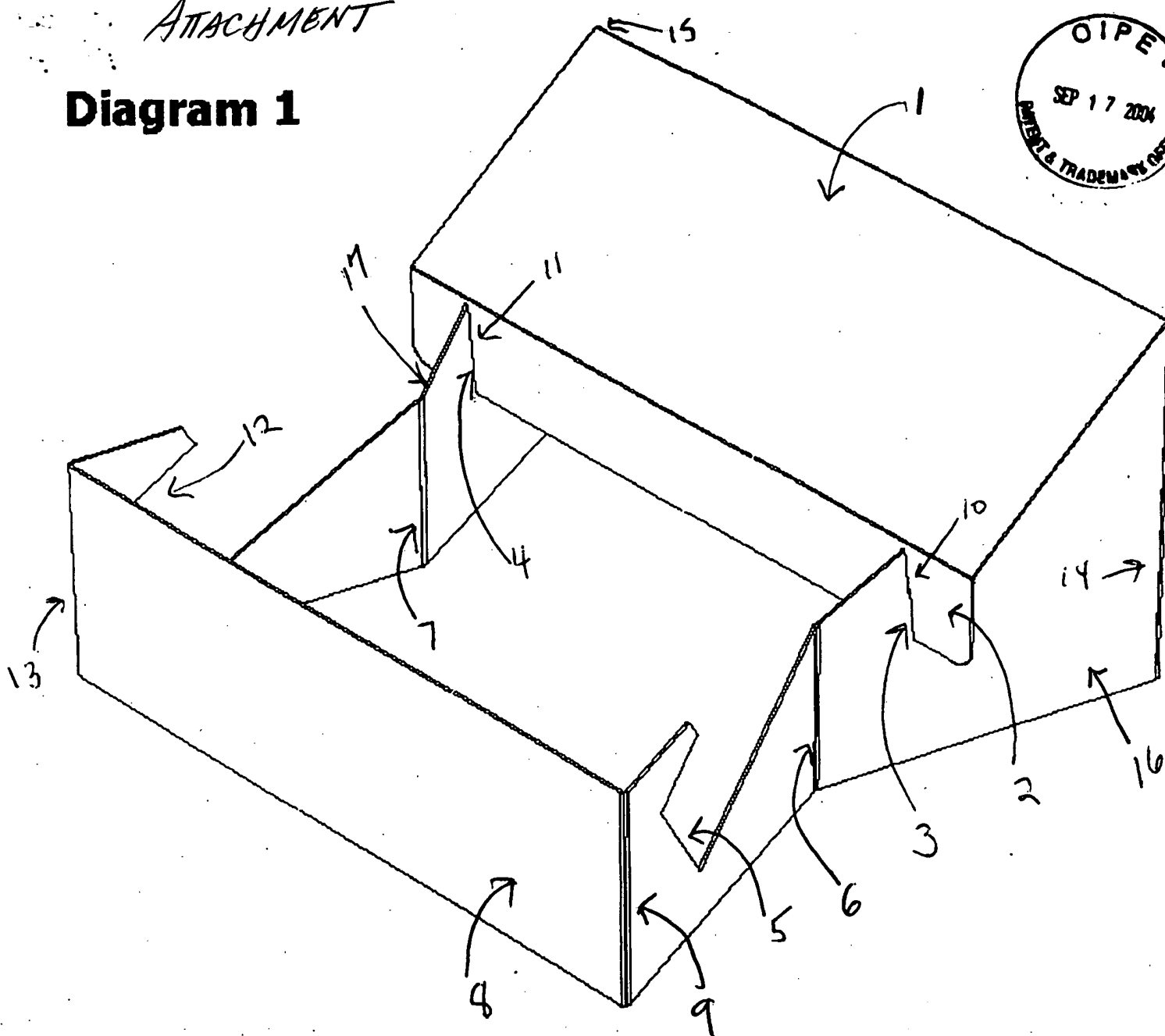


Gwendolyn Baxter
Primary Examiner
Art Unit 3632

September 12, 2005

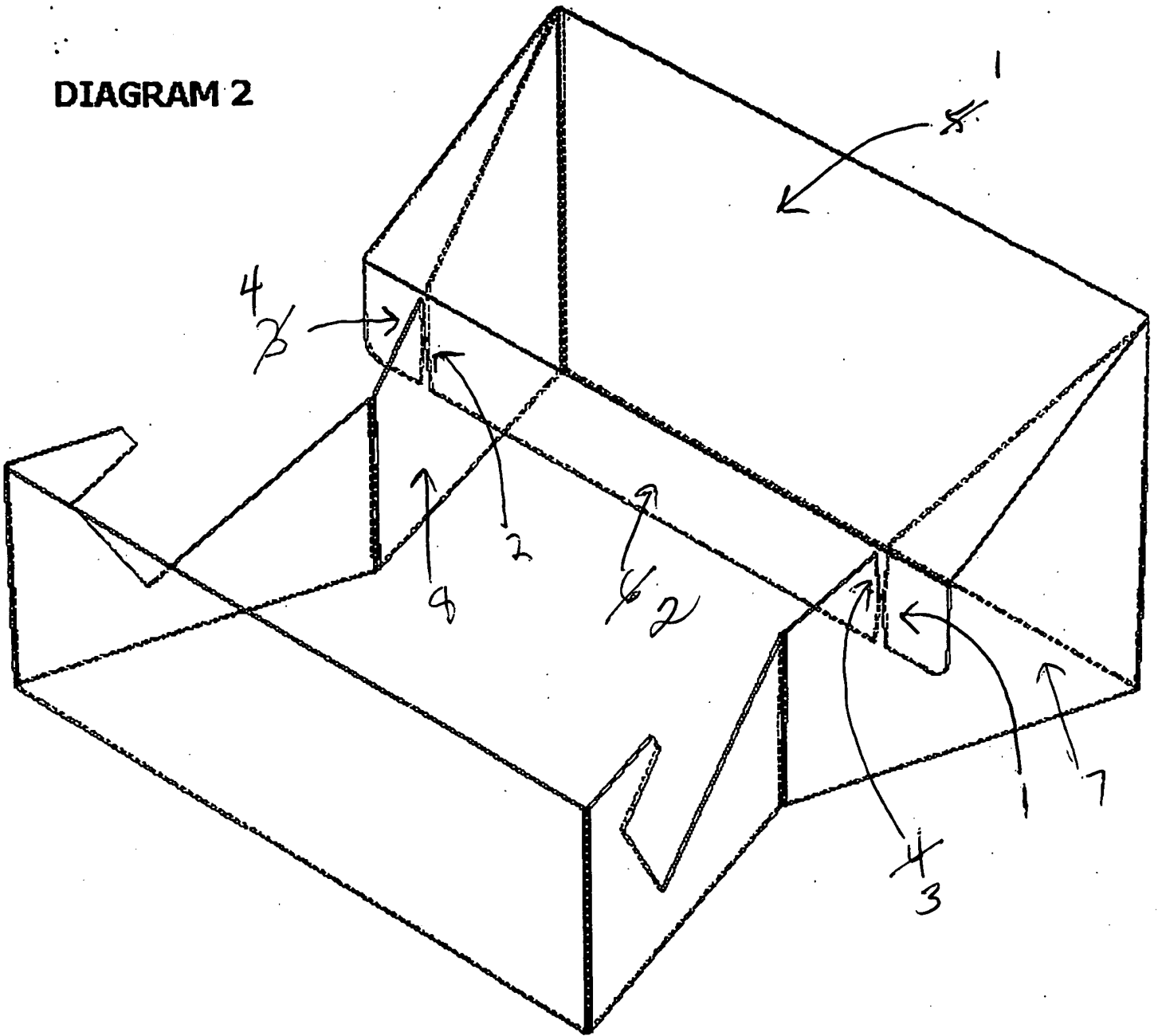
ATTACHMENT

Diagram 1



ATTACHMENT

DIAGRAM 2



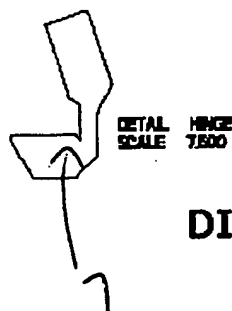
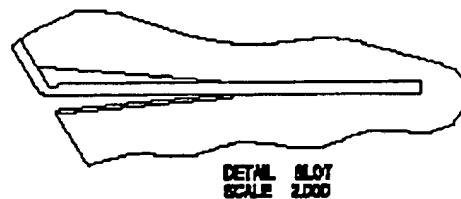
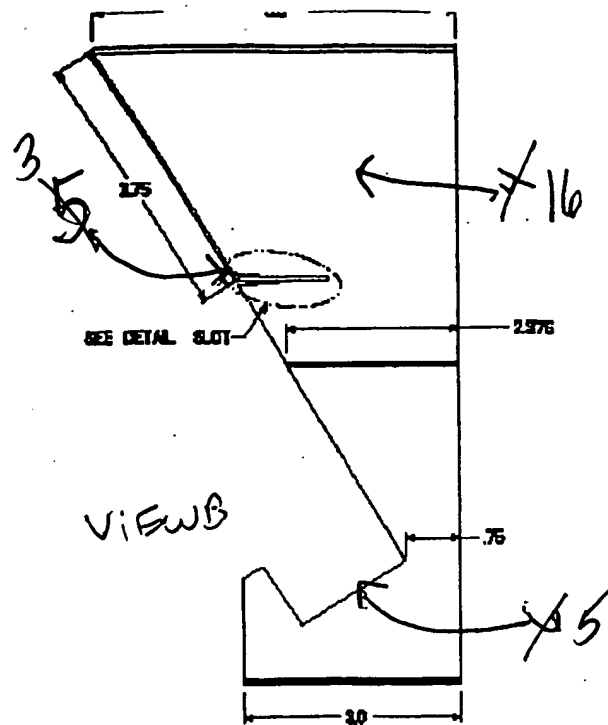
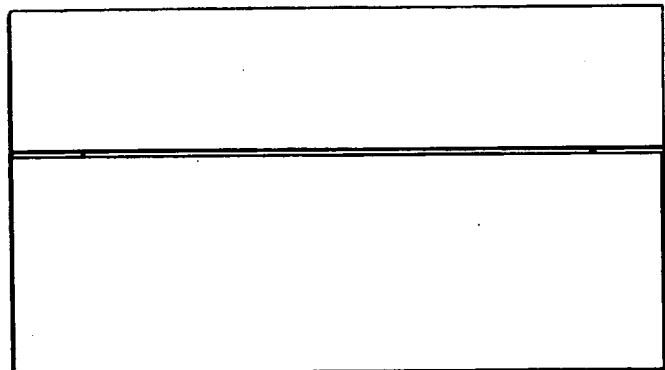
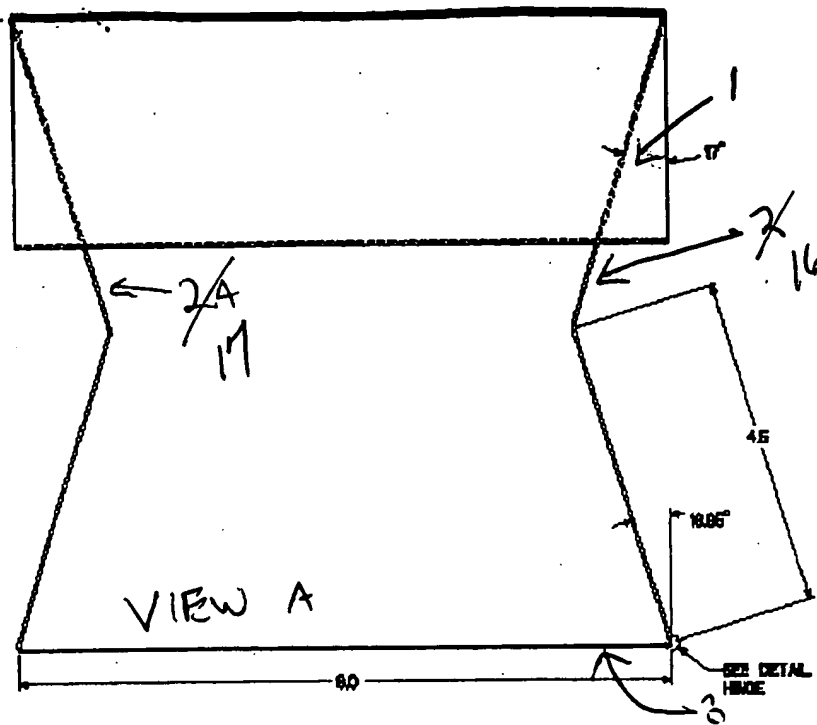


DIAGRAM 3

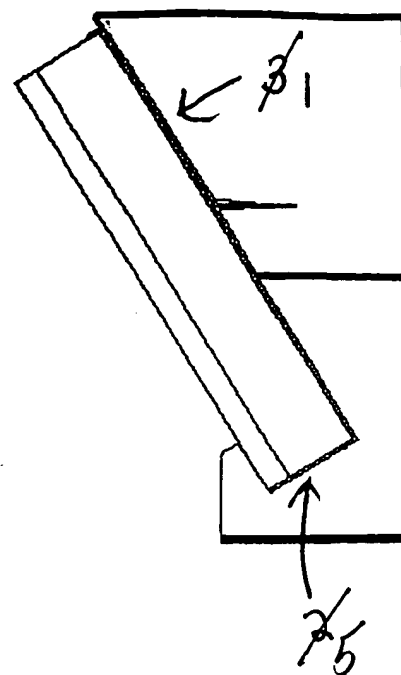
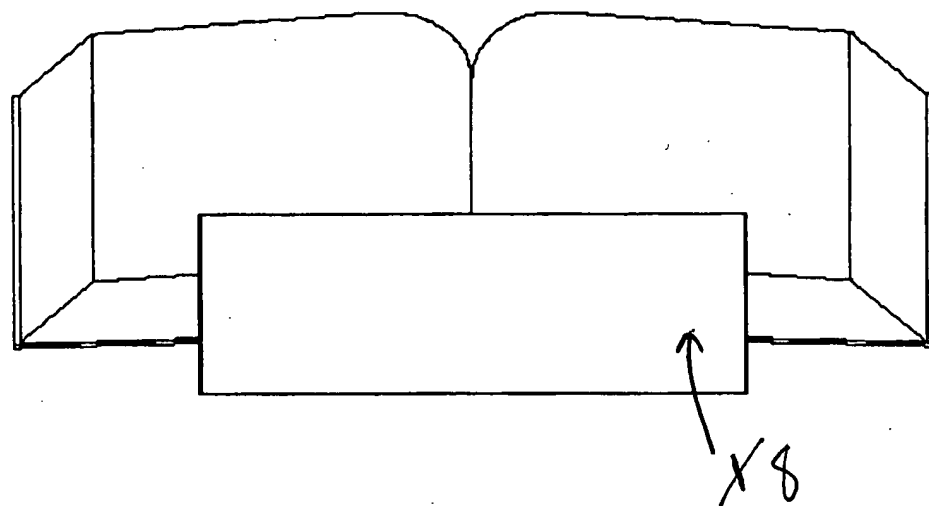
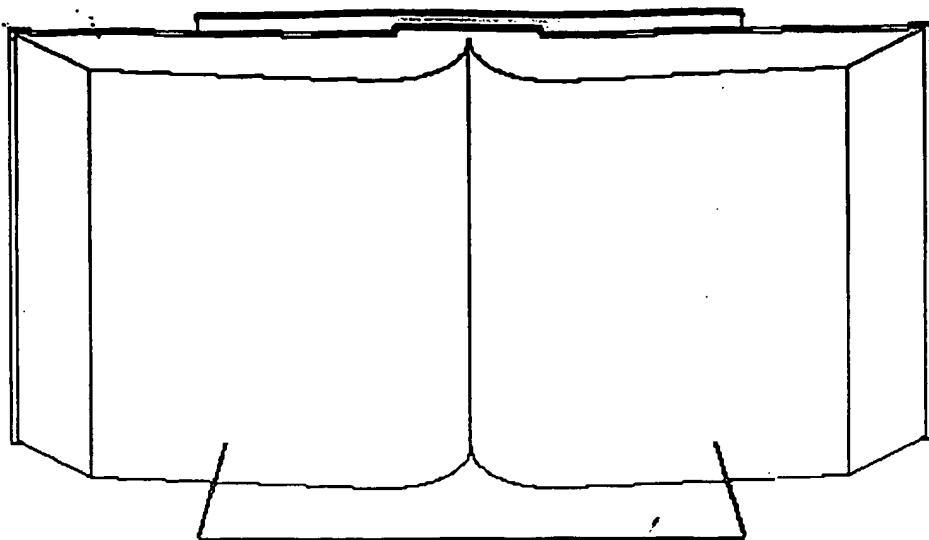


Diagram 4

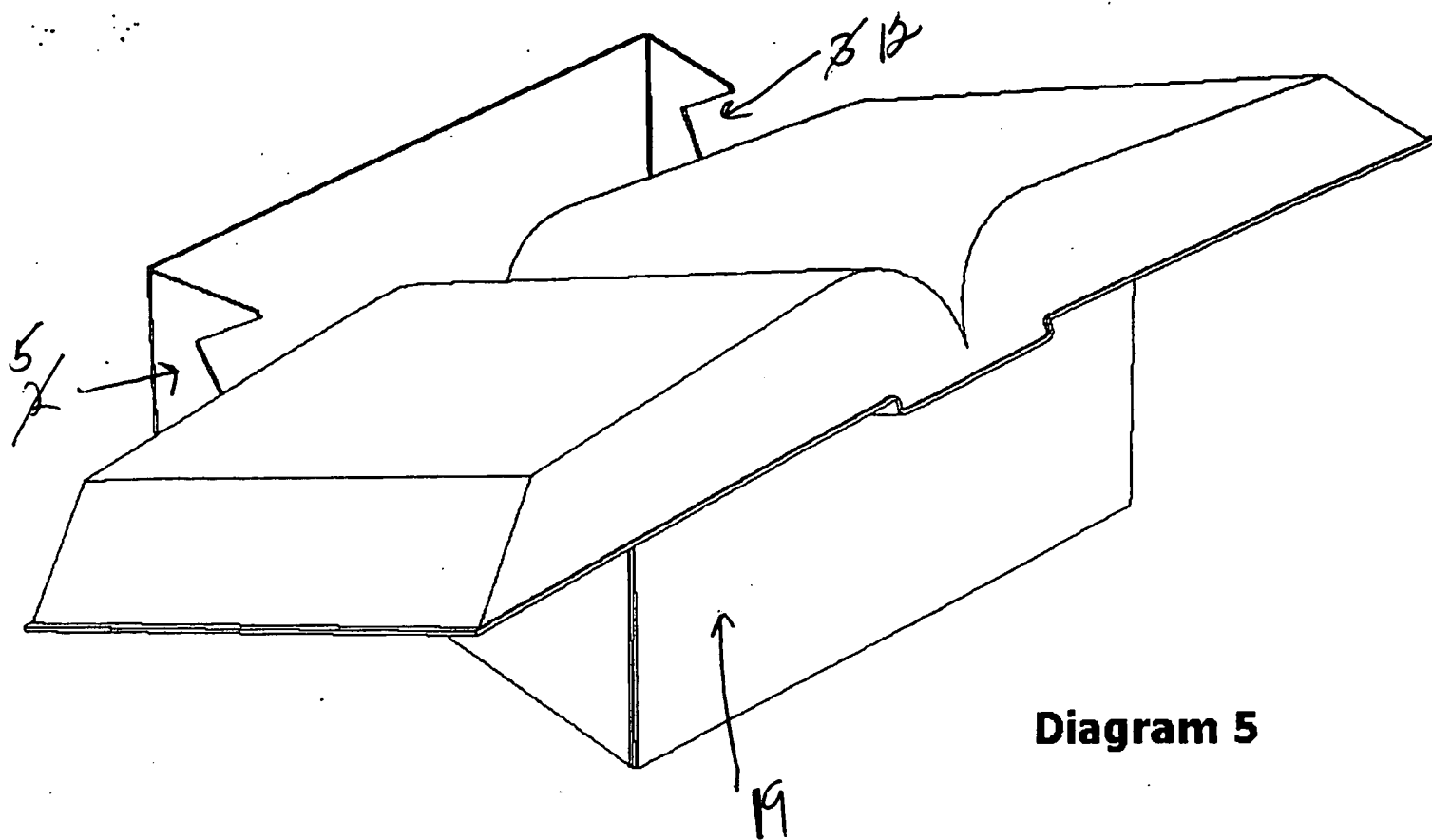
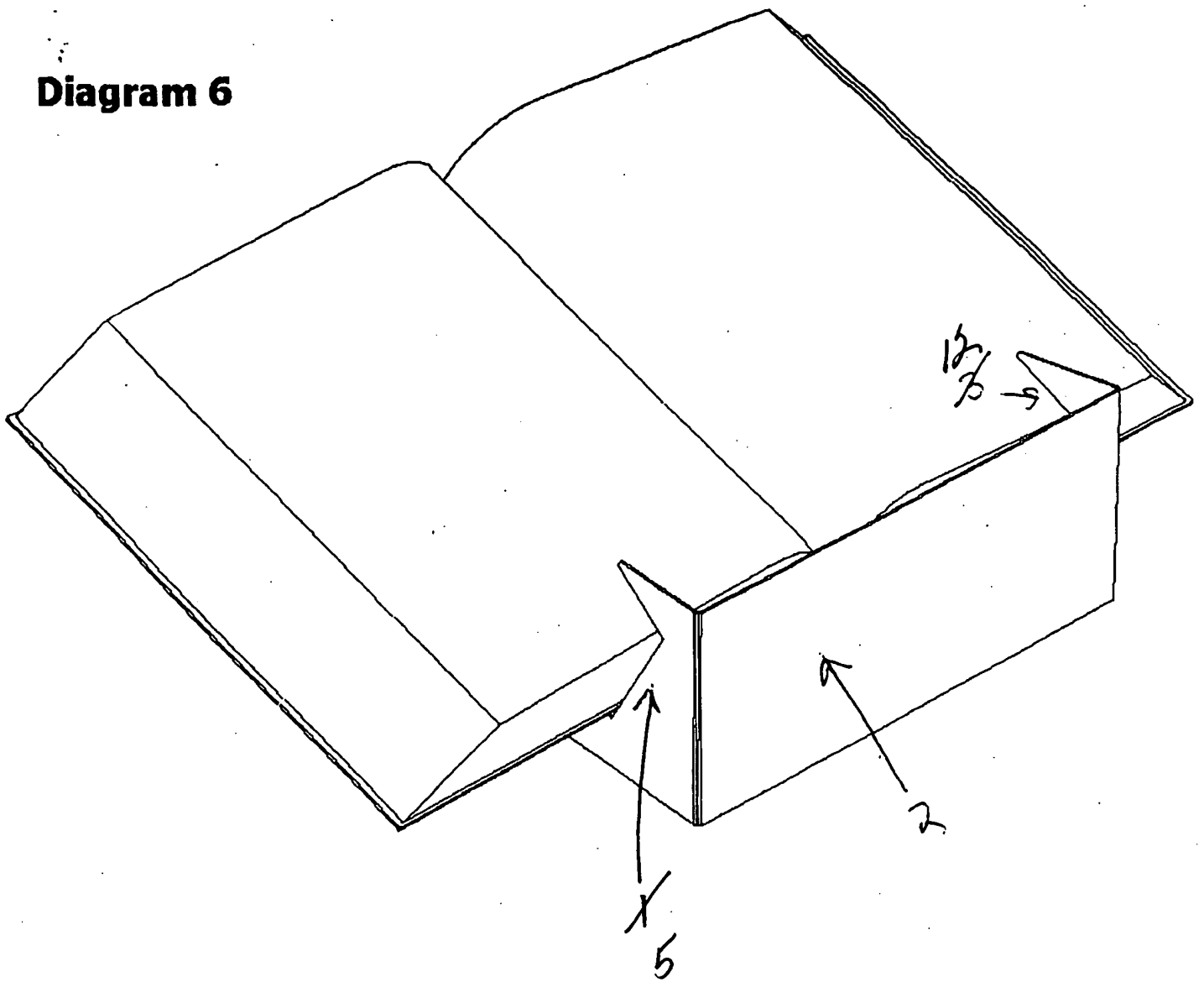


Diagram 5

Diagram 6



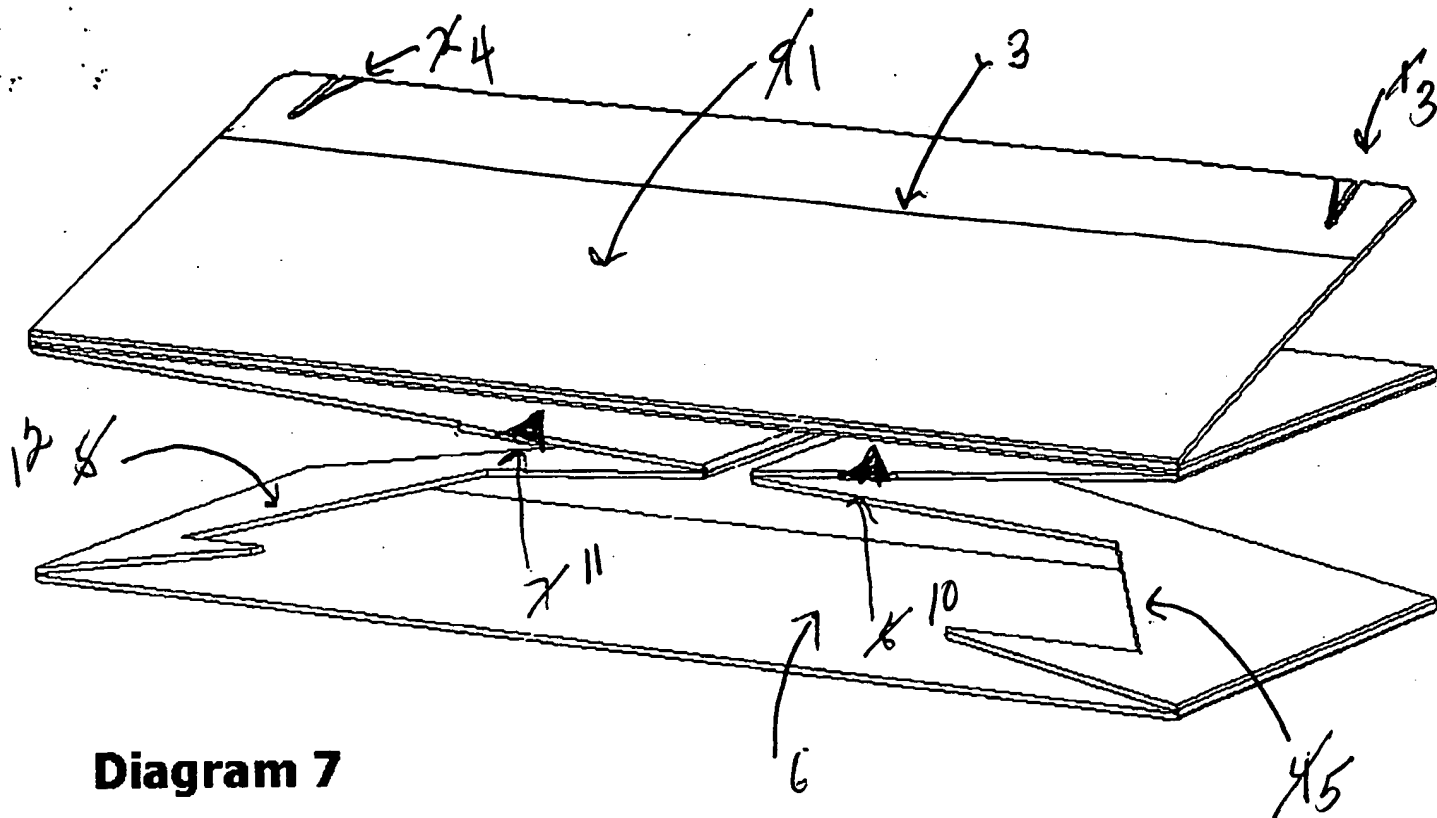


Diagram 7

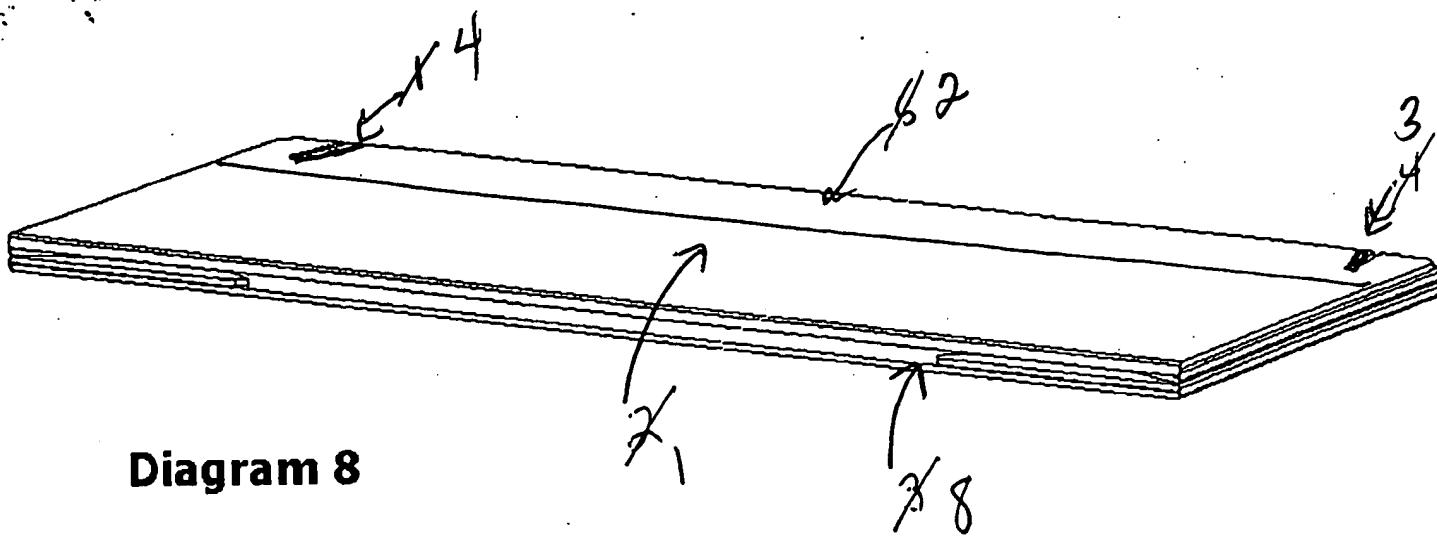
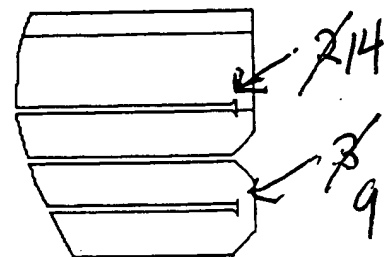
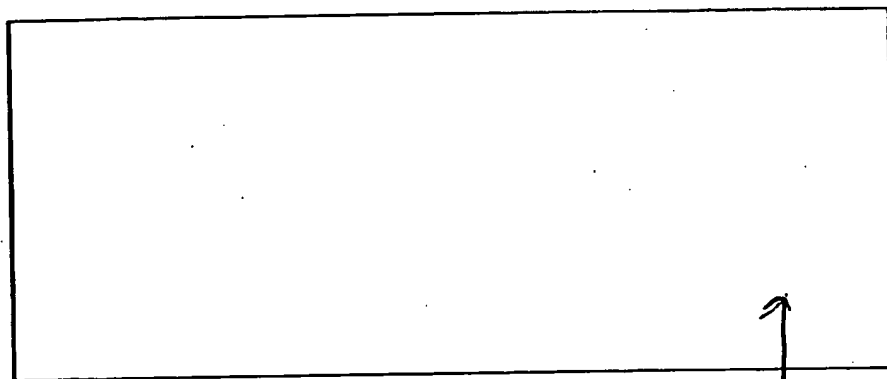
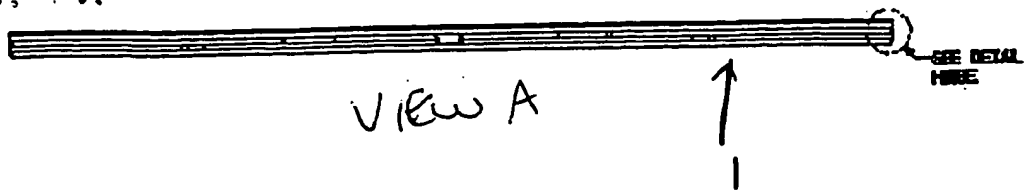


Diagram 8



DETAIL HIDE
SCALE 7.500

VIEW C

VIEW B

↑
4
20

Diagram 9